



DOCKET NO.: MSFT-0135 / 147325.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9192
PATENT
12/02/02
JME

In re application of:

Marcus Peinado et al.

Serial No.: 09/525,510

Group Art Unit: 3621

Filing Date: March 15, 2000

Examiner: Firmin Backer

For: METHOD OF PRE-RELEASING ENCRYPTED DIGITAL DATA

I, Steven H. Meyer, Registration No. 37,189 certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on October 30, 2002.

Steven H. Meyer

Registration No: 37,189

Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

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✓
REQUEST FOR RECONSIDERATION

The following Request for Reconsideration is submitted in response to the Office Action issued on September 3, 2002 (Paper No. 7) in connection with the above-identified patent application, and is being filed within the three-month shortened statutory period set for a response by the Office Action.

Claims 1-46 are pending in the present application, and stand rejected. Applicants respectfully request reconsideration and withdrawal of the rejection of the claims, consistent with the following remarks.

The Examiner has rejected claims 1-46 under 35 USC § 102(e) as being anticipated by Matsuzaki et al. (U.S. Patent No. 6,058,476). Applicants respectfully traverse the § 102(e) rejection of such claims.

Independent claim 1 recites a method for releasing digital content to a rendering application, where the rendering application forwards the digital content to an ultimate destination by way of a path therebetween. Significantly, the path is defined by at least one module and the digital content is initially in an encrypted form.

In the method, an authentication of at least a portion of the path is performed to determine whether each defining module thereof is to be trusted to appropriately handle the digital content passing therethrough. If in fact each such defining module is to be trusted the encrypted digital content is decrypted and forwarded to the rendering application for further forwarding to the ultimate destination by way of the authenticated path.

Independent claim 24 recites substantially the same subject matter as claim 1, albeit as a computer-readable medium having computer-executable instructions thereon that perform the method.

With the present invention, then, encrypted content is decrypted and released to a rendering application only if it determined that trust may be imparted to the path that the rendering application will employ to forward the decrypted content to the ultimate destination. For example, in the case of an audio rendering application that will forward decrypted and rendered audio to a speaker by way of a path including digital audio filters, the audio application will only be allowed to have such decrypted

audio if it is determined that the filters in the path can be trusted to handle the decrypted audio in a trusted manner. For example, the filters in the path will not make a copy of the decrypted audio to be stolen by a nefarious entity.

The present invention is especially useful when the encrypted content is of a type that should not be copied in a decrypted form, such as for example the aforementioned audio content in the form of a musical selection, or video content such as a commercially available movie. The present invention is also especially useful when it is desired to restrict the content to a particular path or a particular set of modules within a path.

The Matsuzaki reference discloses a method of encrypting content for transmission between a first and a second device, where the first device encrypts the content and then transmits same to the second device in the encrypted form for decryption thereby. Accordingly, the Matsuzaki reference does not disclose decrypting the encrypted digital content and forwarding such decrypted content to a rendering application (the first device, according to the Examiner), for further forwarding to an ultimate destination (the second device, according to the Examiner) by a path, as is required by claims 1 and 24. More particularly, rather than transmitting decrypted content on a trusted path between the first and second devices, the Matsuzaki reference discloses that the path need not be trusted because the content is encrypted while traversing such path.

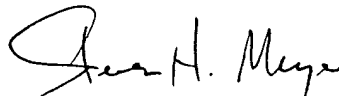
Further, although the Examiner points to a cable 116 as defining the path and a SCSI controller 121 as defining a module in the path, neither such SCSI

controller 121 nor any other module of such path between the first device and the second device in the Matsuzaki reference is authenticated to determine whether such module is to be trusted to appropriately handle the decrypted digital content passing therethrough, as is required by claims 1 and 24.

Accordingly, and for all the aforementioned reasons, Applicants respectfully submits that the Matsuzaki reference does not anticipate claims 1 or 24, or any claims depending therefrom, including claims 2-23 and 25-46. Thus, Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection.

In view of the foregoing discussion, Applicants respectfully submit that the present application, including claims 1-46, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,



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Date: October 30, 2002

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3621

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Marcus Peinado et al.

Confirmation No.: 9494

Serial No.: 09/525,510

Group Art Unit: 3621

Filing Date: March 15, 2000

Examiner: Firmin Backer

For: METHOD OF PRE-RELEASING ENCRYPTED DIGITAL DATA

DATE OF DEPOSIT: October 30, 2002

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Assistant Commissioner for Patents
Washington DC 20231

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Sir:

REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ A Request for Reconsideration Responsive to the Office Action Dated 09/03/02.
- ☐ An Amendment Supplemental to the Paper filed _____.
- ☐ Other: _____.

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
 - ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- ☐ Loss of Entitlement Enclosed
- ☐ Substitute Pages _____ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ _____ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: _____
_____ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
 - ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: _____
- ☐ Other Material as follows: _____

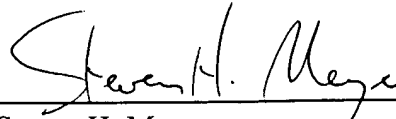
FEE CALCULATION

- ☒ No Additional Fee is Due.
- ☐ Petition is hereby made under 37 C.F.R. 1.136(a) (fees: 37 C.F.R. § 1.17(a)(1)-(4) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.
- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to Deposit Account 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due for filing this paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date:

Oct 30 2002



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